



APPLICATION GRANTED  
SO ORDERED *Vern Bro*  
VERNON S. BRODERICK  
U.S.D.J. 2/9/2023

*New York, New York 10007*

February 8, 2023

**BY ECF**

The Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Riverkeeper, Inc. v. Regan*, No. 17 Civ. 4916 (VSB)

Dear Judge Broderick:

On behalf of defendants and with the consent of all parties, I write to provide the Court a status update as provided in the Court's endorsed order dated January 18, 2023 [ECF No. 192]. Since January 18, the parties have continued their discussions regarding intervenor-defendant New York State Department of Environmental Conservation's ("NYSDEC") advanced notice of proposed rulemaking, which was referenced in defendants' August 10, 2022 letter to the Court [ECF Nos. 184]. NYSDEC is continuing to work on updates to New York State's water quality standard regulations and waterbody classifications, and intends to file a notice of proposed rulemaking by March 2023.

To facilitate these ongoing discussions, particularly with the goal of reaching a shared understanding with respect to NYSDEC's proposed rulemaking process, defendants respectfully request that the Court continue to hold in abeyance any action on the parties' pending cross-motions for summary judgment and NYSDEC's motion to amend its answer to assert a cross-claim against EPA [ECF Nos. 128, 150, 145, 154, 173], until **March 13, 2023**. Defendants further propose that the parties submit a joint status letter to the Court on or before **March 10, 2023**. This is the defendants' fifth request on consent for the Court to hold these motions in abeyance. Plaintiffs and intervenor-defendants NYSDEC and the City of New York consent to this request.

We thank the Court for its consideration of this request.

Hon. Vernon S. Broderick  
February 8, 2023

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Respectfully,

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cc (via ECF): All counsel of record